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Date: December 5, 2007

To Examiner: Ganapathy, Krishnan  
Group 1623

From: Suanne Nakajima  
Limited Recog. No. L0344

Fax Number: (571)273-8300

Subject: Paper: Petition Under 37 CFR 1.183

Docket No.: 2685.2046 US3

Applicants: Richard P. Batycky, et al.

Serial No.: ~~10/607,571~~ 10/763377 F.W.

Filing Date: June 26, 2003

Number of pages including this cover sheet 15

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Comments:

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Elmore Patent Law Group, P.C., 209 Main Street, N. Chelmsford, MA 01863, USA. Tel: (978) 251-3509 / Fax: (978) 251-3973 www.elmorepatents.co

From Jon  
12/17/07

DEC 05 2007

PTO/SB/17 (10-07)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2008</b>	<b>Complete if Known</b>	
	Application Number	10/763,377
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Filing Date	January 23, 2004
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 400.	First Named Inventor	Yat Sun Or
	Examiner Name	Ganapathy Krishnan
	Art Unit	1623
	Attorney Docket No.	4014.1074 US

**METHOD OF PAYMENT (check all that apply)**

Check  
  Credit Card  
  Money Order  
  None  
  Other (please identify): \_\_\_\_\_

Deposit Account  
 Deposit Account Number: 502807  
 Deposit Account Name: Elmore Patent Law Group

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  
  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  
  Credit any overpayments

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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

**Total Claims**    **Extra Claims**    **Fee (\$)**    **Fee Paid (\$)**  
 \_\_\_\_\_ - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**    **Extra Claims**    **Fee (\$)**    **Fee Paid (\$)**  
 \_\_\_\_\_ - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

\_\_\_\_\_ - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

Description	Fee (\$)	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	_____	_____
Other (e.g., late filing surcharge): <u>Petition Under 37 CFR 1.183</u>	_____	<u>\$400.</u>

**SUBMITTED BY**

Signature	<u>[Signature]</u>	Registration No. (Attorney/Agent)	<u>35,729</u>	Telephone	<u>978.251.3509</u>
Name (Print/Type)	<u>Darlene A. Vanstone</u>			Date	<u>Dec. 5, 2007</u>

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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4014.1074 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Yat Sun Or

Application No.: 10/763,377

Filed: January 23, 2004

Confirmation No.: 7571

TC/A.U. : 1623

Examiner : Ganapathy Krishnan

Docket No. : 4014.1074 US

For: Bridged Macrocyclic Compounds and Processes for the Preparation Thereof

PETITION UNDER 37 C.F.R. 1.183Mail Stop Post Issue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I am writing to request that the reply brief which was due on December 04, 2007 will be enter as timely. My failure to electronically file the reply brief by 12:00 am EST on December 04, 2007 is due to the unavailability of the TEAS site at the USPTO.

At about 11:30 p.m. EST, I tried to submit the reply brief electronically and failed due to the EFS-web server problem. I was able to upload the reply brief and enter all the appropriate information, however, at the submit button, the site froze and locked me out of private pair. I tried several time thinking it was a glitch on my end. Each attempt I was able to upload the reply brief but was able to finalizing the submission. By the time I realized that something was wrong with the TEAS site, I panic since I don't have a fax machine at home. Out of desperation, I asked someone in Calgary, Canada (Mountain Stanadard Time) to fax the response in for me. The fax transmission verification report (attached) showed that the reply brief was faxed at 11:01 pm in MST which is 1:01 am in EST. I continued to try submitting the reply brief electronically, but was still unsuccessful and therefore I emailed the EBC center at 1:35 am describing the problem (attached). I waited until 6 am in the morning of December 05, 2007 and then called the EBC center again. I spoke with Mohammed about the problem and then he tried to submit something

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12/18/2007 EYALEH1 0000061 502607 10763377  
01 FC:1462 400.00 DA

DEC 05 2007

Application No.: 10/763,377

himself and he also had the same problem. He gave the ticket number of 1-101476760 to prove that TEAS site had a problem.

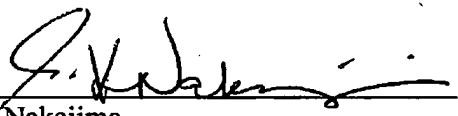
I respectfully request that you would reconsider entering the reply brief (attached again) as timely since it was not my fault that the TEAS site had a problem. I would have driven to a shop near by to fax in the reply brief if I knew the TEAS site was complete down. The fact that I can access private pair and upload the reply brief did not make think that there was something wrong with the server. The only fault of mine with this situation is that I had too much faith the EFS system. I ask for your pardon and allowed the reply brief to be entered as timely.

Summary

The fees required for filing this petition under §1.17(f) and for the Request for reconsideration that the reply brief was filed timely are authorized to be charged to Deposit Account No. 502807. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 502807.

Respectfully submitted,

ELMORE PATENT LAW GROUP, P.C.

By   
Suanne Nakajima  
Registration No.: L0344  
Tel.: (978) 251-3509  
Fax: (978) 251-3973

N. Chelmsford, Massachusetts 01863  
Date: December 05, 2007

TRANSMISSION VERIFICATION REPORT

TIME : 12/04/2007 23:05  
NAME :  
FAX : 2748238  
SER.# : BRDH6F543465

DATE, TIME	12/04 23:01
FAX NO./NAME	15712738300
DURATION	00:03:29
PAGE(S)	09
RESULT	OK *
MODE	PHOTO ECM

\* : COLOR FAX NOT AVAILABLE

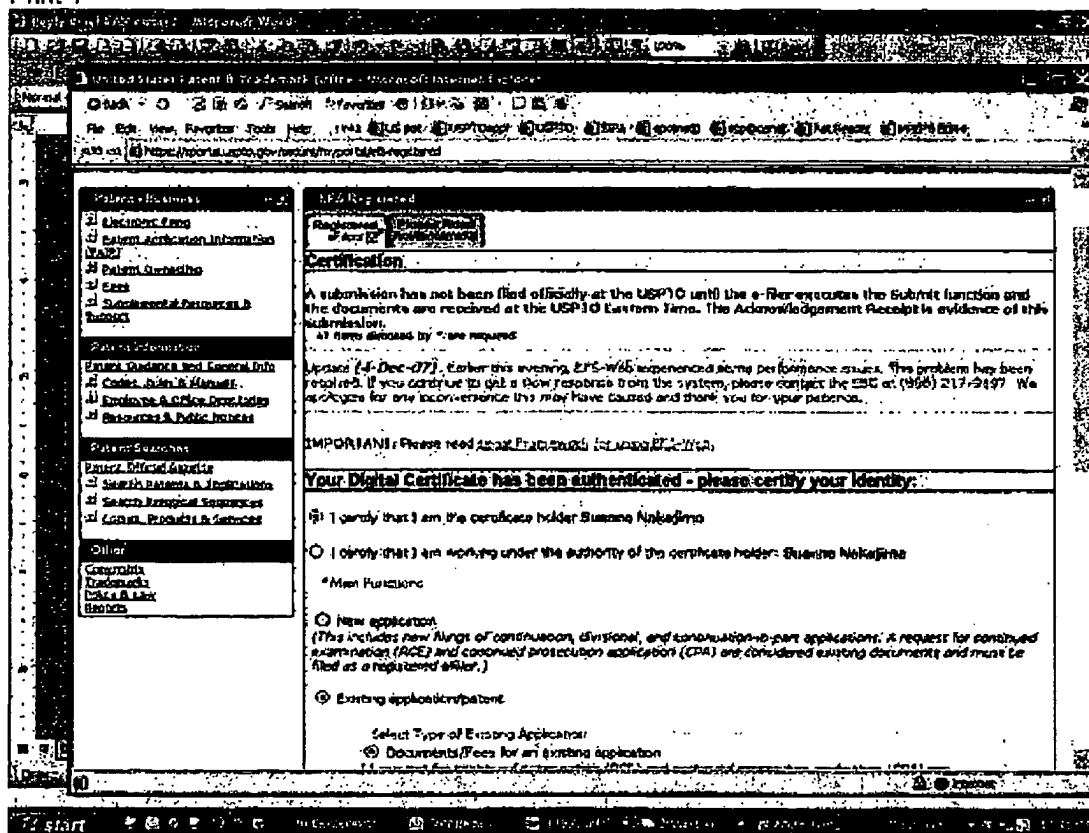
Suanne Nakajima

From: Suanne Nakajima
Sent: Wednesday, December 05, 2007 1:35 AM
To: 'EBC@uspto.gov'
Subject: Electronic filing problem
Attachments: Replybrief.pdf

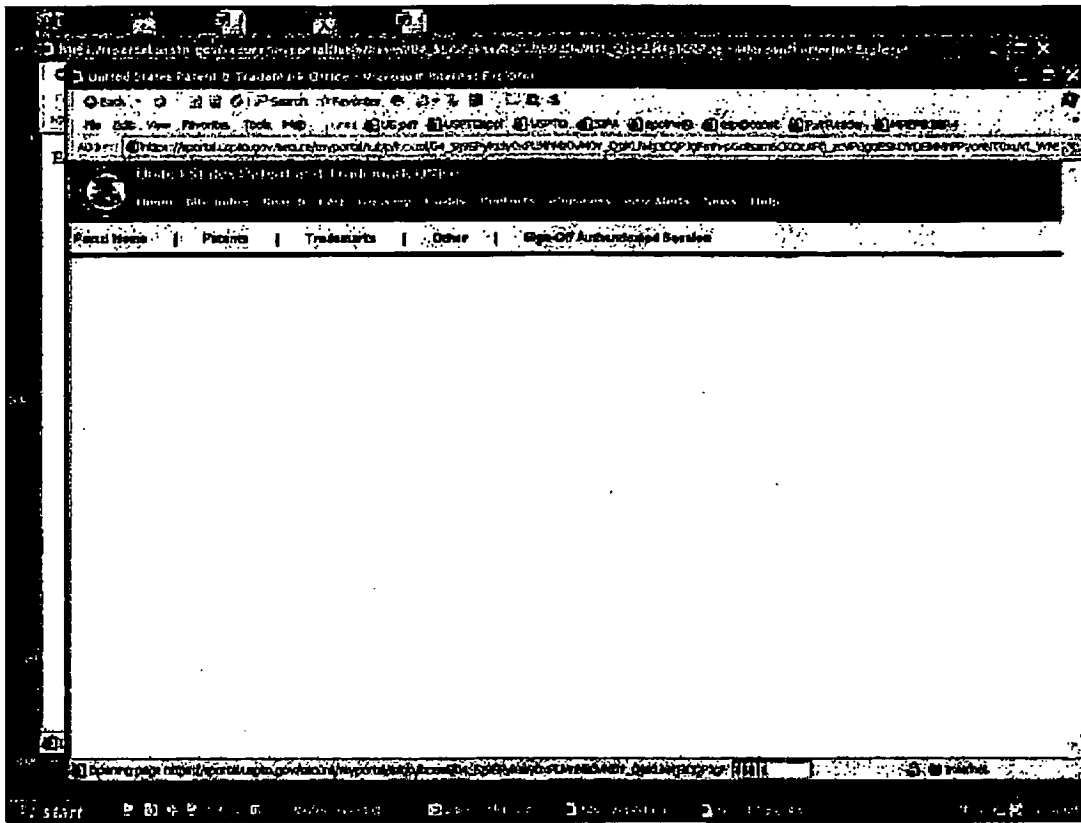
Dear Sir,

I have been trying to submit the attached reply brief since about 11:30 pm on December 4 (the due date) until now and I am still unsuccessful in doing so. It appears that my unsuccessful attempts are due to the EFS-web server problem (see print 1 copy below). I keep getting a blank page (see print 2 below). Can you please enter my reply brief as of December 4? or please let me know how I should go about getting the filing date of Dec.4.

Print 1



Print 2



Thank you for you attention to this matter.

Sincerely,

Suanne Nakajima  
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